

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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IN RE SEPTEMBER 11 LITIGATION

21 MC 97 (AKH)
21 MC 101 (AKH)

**IN RE SEPTEMBER 11 PROPERTY DAMAGE
AND BUSINESS LOSS LITIGATION**

This document relates to:
All cases

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys of record for the respective parties hereto that the Cross-Claims by the Cross-Claim Plaintiffs, The Port Authority of New York and New Jersey (the "PANYNJ") and additional cross-claim plaintiffs, WTC Retail LLC ("WTCR") and The Port Authority Trans-Hudson Corporation ("PATH") (all three entities collectively referred to as "The Port Authority") contained in the Cross-Claims By The Port Authority Against Certain Defendants In Plaintiffs' Amended Flight 175 Master Liability Complaint, against defendant Delta Air Lines, Inc. i/s/h/a Delta Airlines, Inc. and Delta Express, Inc. (hereinafter "Delta") are hereby dismissed without prejudice and without costs to either party as against the other.

Cross-Claim Plaintiffs, The Port Authority, reserve the right to recommence their Cross-Claims if they learn facts which confirm that any of the statements made in the Affidavit of James Dykes, submitted on behalf of Delta, are untrue. Delta agrees that any such reinstatement of the Cross-Claims will relate back to the date of the original filing and that it will not assert a statute of limitations defense to the refiled claims.

Dated: Garden City, New York

~~November~~ 2007
December 18

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SO ORDERED:

12-19-07

Alvin K. Hellerstein
Alvin K. Hellerstein
United States District Judge